

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PUMA SE and PUMA NORTH
AMERICA INC.,

Plaintiffs,

v.

BROOKS SPORTS, INC.,

Defendant.

CASE NO. 2:23-CV-00116-LK

ORDER GRANTING STIPULATED
MOTION TO MODIFY THE
SCHEDULING ORDER

This matter comes before the Court on the parties' Stipulated Motion to Modify the Scheduling Order. Dkt. No. 116. The Court hereby GRANTS the parties' motion and amends the original pretrial schedule, *see* Dkt. No. 90, with the following:

Event	Date
JURY TRIAL SET FOR 9:00 a.m. on	To be set by the Court
Length of trial	5 days
All motions related to liability discovery must be filed by	3/11/2024
Liability discovery completed by	4/17/2024

1	All dispositive motions and motions challenging liability expert witness testimony must be filed by this date (see LCR 7(d)). Such motions must be noted for consideration no later than the fourth Friday thereafter (see LCR 7(d)), unless the parties are filing cross-motions for summary judgment and have agreed to a different briefing schedule as contemplated by LCR 7(k)	5/8/2024
2	If the plaintiffs/counter-defendants do not file a dispositive motion, the deadline for any dispositive motion by the defendant/counter-claimant	6/10/2024
3	Responses to damages-related discovery requests	The later of 30 days from service or 14 days after order on dispositive motions, or, if no such motion is filed, 6/26/2024
4	Substantial completion of document production for damages-related discovery requests	30 days after order on dispositive motions, or if no such motion is filed, 6/26/2024
5	Disclosure of expert testimony under FRCP 26(a)(2) regarding any damages issue due	90 days after order on dispositive motion(s), or, if no such motion is filed, 8/9/2024
6	Disclosure of rebuttal expert testimony under FRCP 26(a)(2) regarding any damages issue due	60 days after the deadline for opening reports on damages
7	If the party with the burden of proof as to any damages issue has disclosed no experts, the responding party must make any expert disclosure by	120 days after order on dispositive motion(s), or, if no such motion is filed, 9/11/2024
8	All motions related to damages discovery must be filed by	120 days after order on dispositive motion(s), or, if no such motion is filed, 9/11/2024
9	Damages discovery completed by	150 days after order on dispositive

		motion(s), or, if no such motion is filed, 10/11/2024
3	All motions challenging damages expert witness testimony must be filed by this date (<i>see LCR 7(d)</i>).	180 days after order on dispositive motion(s), or, if no such motion is filed, 11/13/2024
6	Settlement conference, if mediation has been requested by the parties per LCR 39.1, held no later than	2 months before trial
7	All motions in limine must be filed by	35 days before trial
9	Proposed jury instructions and agreed LCR 16.1 Pretrial Order due, including exhibit list with completed authenticity, admissibility, and objections fields	21 days before trial
10	Trial briefs, proposed voir dire questions, and deposition designations due	14 days before trial
12	Pretrial conference scheduled at 10:00 a.m. on	10 days before trial

13 All other dates are specified in the Local Civil Rules. The dates set forth in this order are
 14 firm dates that can be changed only by order of the Court, not by agreement of counsel for the
 15 parties. The Court will alter these dates only upon good cause shown or on a showing of excusable
 16 neglect, if applicable. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir.
 17 2002). Failure to complete discovery within the time allowed is not recognized as good cause. If
 18 any of the dates identified in this Order or the Local Civil Rules fall on a weekend or federal
 19 holiday, the act or event shall be performed on the next business day.

20 In its denial of parties' original stipulated motion to modify the scheduling order, the Court
 21 instructed the parties to "explain why they could not have sought the requested schedule
 22 modification sufficiently in advance of the existing deadline they wish to modify." Dkt. No. 112;
 23 *see also* LCR 7(j) (instructing litigants to seek relief from a deadline "sufficiently in advance of
 24 the deadline to allow the court to rule on the motion prior to the deadline"). In their amended

1 motion, the parties state only that their “inability to meet the [liability discovery motions] deadline
2 came to their attention during a meet and confer between counsel on January 3, 2024 during which
3 the Parties recognized that certain discovery disputes were not ripe for the Court’s attention.” Dkt.
4 No. 116 at 2–3. The Court cautions that any further lack of attention to deadlines will not be treated
5 as “good cause” warranting modification under Federal Rule of Civil Procedure 16(b)(4). *See*
6 *Johnson*, 975 F.2d at 609 (“[C]arelessness is not compatible with a finding of diligence and offers
7 no reason for a grant of relief.”).

8 The Court expects to assign a trial date after it issues its order on dispositive motions, or,
9 if no such motion is filed, after the deadline for defendant/counter-claimant’s dispositive motion.

10 COOPERATION

11 As required by LCR 37(a), all discovery matters are to be resolved by agreement if
12 possible. Counsel are also directed to cooperate in preparing the final pretrial order in the format
13 required by LCR 16.1, except as ordered below.

14 PRIVACY

15 Pursuant to LCR 5.2(a), parties shall refrain from including, or shall partially redact where
16 inclusion is necessary, the following personal data identifiers from all documents filed with the
17 court or used as exhibits in any hearing or at trial, unless otherwise ordered by the court:

- 18 • Dates of Birth – redact to the year of birth, unless deceased.
- 19 • Names of Minor Children – redact to the initials, unless deceased or currently over the
age of 18.
- 20 • Social Security or Taxpayer Identification Numbers – redact in their entirety.
- 21 • Financial Accounting Information – redact to the last four digits.
- 22 • Passport Numbers and Driver License Numbers – redact in their entirety.

23 Parties in social security appeals and immigration cases shall comply with LCR 5.2(c).

SETTLEMENT

If this case settles, counsel shall notify Natalie Wood via email at natalie_wood@wawd.uscourts.gov as soon as possible. Pursuant to LCR 11(b), an attorney who fails to give the Deputy Clerk prompt notice of settlement may be subject to such discipline as the Court deems appropriate.

Dated this 24th day of January, 2024.

Lauren King
Lauren King
United States District Judge